

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

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6 ANTHONY D. HOOVER, )  
7 Plaintiff, )  
8 v. ) 2:08-cv-01307-RLH-LRL  
9 ANDY CALLIENG, *et. al.*, ) AMENDED COMPLAINT (#3)  
10 Defendants. )  
11 \_\_\_\_\_ )

## **REPORT & RECOMMENDATION**

13 Before the court is plaintiff's Amended Complaint (#3), which is plaintiff's response to this  
14 court's order to file an amended complaint. Order (#2).

15 Plaintiff filed his initial Complaint (#1) and an Application to Proceed *In Forma Pauperis* on  
16 September 28, 2008. Upon granting his request to proceed *in forma pauperis*, this court screened his  
17 Complaint pursuant to 28 U.S.C. § 1915(a). This court found that plaintiff set forth no causes of action  
18 and therefore asserted no civil rights violations; nor did he list defendants where required in section  
19 A(2) (“Jurisdiction”), but instead made statements in the Complaint and accompanying affidavit that  
20 were “fantastic, delusional, and irrational.” This court therefore dismissed the Complaint on November  
21 12, 2008, and instructed plaintiff to amend his Complaint to cure the deficiencies listed by the court.  
22 Order (#2). See *Cato v. United States*, 70 F.3d 1103, 1106 (9<sup>th</sup> Cir. 1985). Plaintiff was cautioned that  
23 failure to adequately amend the Complaint by December 12, 2008 could result in dismissal.

24 Plaintiffs's "Amended" Complaint (#3) is not an amended complaint. Plaintiff has merely re-  
25 filed the same papers submitted as his original Complaint (#1). No other papers have been filed since  
26 the filing of Amended Complaint (#3).

## **RECOMMENDATION**

Based on the foregoing, it is the recommendation of the undersigned United States Magistrate Judge that this case be dismissed with prejudice for failure to state a cognizable claim.

DATED this 23<sup>rd</sup> day of December, 2009.

L.P.Lewis

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**LAWRENCE R. LEAVITT  
UNITED STATES MAGISTRATE JUDGE**